

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SCHEDULING ORDER

After considering the matters discussed at the status conference held in this case on February 28, 2018, it is ORDERED that any previous scheduling orders in the case are vacated, and that the following schedule will govern further proceedings in the case:

- 1) Any defense motion to dismiss pursuant to Fed. R. Crim. Proc. 12(b)(3)(A) or (B) must be filed by March 14, 2018; the opposition will be due on March 28; and the reply will be due on April 4. A hearing on the motion will be held on April 19, 2018 at 9:30 a.m.
 - 2) **Other pre-trial motions**, including any motion for a bill of particulars under Fed. R. Crim. Proc. 7(f), motions to suppress statements or evidence under Fed. R. Crim. Proc. 12(b)(3)(C), and motions to sever charges under Fed. R. Crim. Proc. 12(b)(3)(D) and 14 must be filed by April 6, 2018; oppositions will be due on April 23; and replies will be due on May 4. A hearing on the motions will be held on May 23, 2018 at 9:30 a.m. and the hearing will be continued on May 24 if necessary.
 - 3) The **government's notice of its intention to introduce evidence under Fed. R. Evid. 404(b)** must be filed by June 15, 2018; the opposition will be due on June 29; and the reply will be due on July 9. A hearing on the motion, if necessary, will be held on July 24, 2018 at 9:30 a.m.
 - 4) **Motions in limine** on behalf of either party must be filed by July 9, 2018; oppositions will be due on July 23; and replies are due on July 30.
 - 5) On July 16, 2018, the parties must jointly file a **list of proposed questions to be included in the written jury questionnaire** that indicates:
 - i. the questions on which the parties agree; and

- ii. the questions on which the parties disagree, with specific objections noted below each disputed question and supporting legal authority (if any).¹
- 6) The parties must jointly file a single **Joint Pretrial Statement** by August 1, 2018;
- 7) The **pretrial conference** will be held on September 5, 2018 at 9:30 a.m.
- 8) **Trial** will commence on September 17, 2018 at 9:30 a.m. NOTE: the Court will not sit on Wednesday, September 19.

Any motion to extend a date for the submission of a pleading to the Court must be filed at least two business days before the date to be extended.

All pleadings must conform to the requirements concerning formatting and fonts set forth in Local Civil Rule 5.1(d).

JOINT PRETRIAL STATEMENT

The Joint Pretrial Statement must include:²

- a) a concise **joint statement of the case** for the Court to read to prospective jurors;
- b) an **estimate of the number of days** the trial is anticipated to last;
- c) a list of all outstanding **motions in limine**;

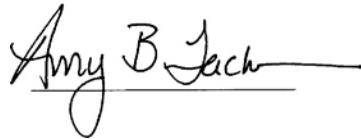
1 This order assumes that the parties are both requesting that the Court utilize a jury questionnaire to facilitate *voir dire* in this case. If either the Office of Special Counsel or the defendant is opposed to such a procedure, the objecting party must notify the Court on or before March 7, and the Court will set a schedule for submitting pleadings on that issue. Proposed questions should call for short answers – preferably yes or no answers, or responses that involve checking boxes, where possible. The prospective jurors will be required to appear at the courthouse in advance of trial to complete the questionnaire, and the parties will have the opportunity to move to strike jurors for cause based on their written answers before the trial begins. The remaining potential jurors will be questioned individually in the courtroom beginning on September 17. Further instructions and the dates for the completion of the questionnaire and the submission of motions to strike for cause will be the subject of a future order.

2 In the event the Court rules that it will not utilize a written jury questionnaire, the Joint Pretrial Statement must also include **proposed voir dire questions** that indicate:

- i. the *voir dire* questions on which the parties agree; and
- ii. the *voir dire* questions on which the parties disagree, with specific objections noted below each disputed question and supporting legal authority (if any).

- d) **proposed jury instructions** that indicate:
 - i. the instructions on which the parties agree; and
 - ii. the instructions on which the parties disagree, with specific objections noted below each disputed instruction and supporting legal authority.
 - iii. Any agreed or proposed instructions contained in the Standardized Criminal Jury Instructions for the District of Columbia need not be separately provided but should be identified by number. Any other proposed instructions must be provided to the Court in their entirety and should be formatted so that each individual jury instruction begins on a new page, with the source and supporting authority noted at the bottom of the page, followed by any objections and the grounds therefor.
- e) **a list of expert witnesses**, if any, accompanied by a brief description of each witness' area of expertise and expected testimony, followed by specific objections (if any) to each witness;
- f) **a list of prior convictions**, if any, that the government intends to use for impeachment or any other purpose, followed by any specific objections to that use;
- g) **a list of exhibits** that each party intends to offer during trial. The list should identify each exhibit by number and include the date and title (or description) of the exhibit, and it must identify any exhibit to which there is an objection and the basis for the objection. The list must be accompanied by numbered copies of the exhibits, to be delivered to chambers on August 1 in electronic form on disk and in paper form in a binder or set of binders. (Binders may not be larger than 3 inches.) Exhibits will be presumed authentic unless an objection to their authenticity is noted on the Joint Pretrial Statement.
- h) any **stipulations**, signed by counsel and the defendant;
- i) a list of any **matters of which the parties seek the Court to take judicial notice**, along with the proposed language; and
- j) **a proposed verdict form**, as well as proposed special interrogatories (if any), that includes a date and signature line for the jury foreperson.

SO ORDERED.



AMY BERMAN JACKSON
United States District Judge

DATE: March 1, 2018